



Article 5. Expiration and Continuation of Permits

§66270.50. Duration of Permits.

- (a) Permits shall be effective for a fixed term not to exceed 10 years.
- (b) Except as provided in section 66270.51, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.
- (c) When necessary to protect human health and safety or the environment, the Department shall issue a permit for a duration that is less than the full allowable term under this section.
- (d) Each permit for a land disposal facility shall be reviewed by the Department five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in section 66270.41.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.50.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66270.51. Continuation of Expiring Permits.

(a) The conditions of an expired permit continue in force under chapter 6.5 of division 20 of the Health and Safety Code until the effective date of a new permit (see section 66271.14) if:

(1) the permittee has submitted a timely application under section 66270.14 and the applicable sections in section 66270.15 through section 66270.23 which is a complete (under section 66270.10(c)) application for a new permit; and

(2) the Department through no fault of the permittee, does not issue a new permit with an effective date under section 66271.14 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(b) Effect. Permits continued under this section remain fully effective and enforceable.

(c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the Department may choose to do any or all of the following:

(1) initiate enforcement action based upon the permit which has been continued;

(2) issue a notice of intent to deny the new permit under section 66271.5. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) issue a new permit under chapter 21 of this division with appropriate conditions; or

(4) take other actions authorized by these regulations.

(d) If a permittee has submitted a timely and complete application under applicable State law and regulations, the terms and conditions of an USEPA-issued RCRA permit continue in force beyond the expiration date of the USEPA-issued RCRA permit, but only until the effective date of the Department's issuance or denial of a State permit.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.51.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).